

## Faulk, Camilla

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**From:** Michael Brodsky [mpbrodsky@gmail.com]  
**Sent:** Thursday, April 28, 2011 3:23 PM  
**To:** Faulk, Camilla  
**Subject:** Proposed CrR 4.11; Recording Interviews

Dear Ms. Faulk: I am writing to comment on Proposed CrR 4.11; Recording Interviews. I am a criminal defense attorney practicing Bellingham, WA. The ability to interview witness and victims in criminal cases is not a privilege, it is a right guaranteed under the Washington and United States Constitutions. Granting defense counsel the ability to record those interviews merely assures that the process will be fair and efficient. Fair to the witness or victim because both defense counsel and the prosecutors will have access to audio recording to be certain that the witnesses words are not twisted or taken out of context. And fair the defendant because it allows counsel to impeach a witness who's version of events changes on the stand.

Finally it alleviates the additional time and expense of hiring an investigator or court reporter - often at public expense - to take notes or otherwise document the interview. The presence of an investigator or stenographer will often complicate and lengthen the interview, merely increasing the stress and intrusion on the witness.

While much is made of the the intimidation or infringement on the rights of the victim, one must always keep in mind that it is equally unjust to permit the prosecution of the innocent without due process.

A truthful victim or witness has little to fear from have his or her words recorded accurately. I urge approval of this much needed rule change.

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Sincerely,  
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